

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-12 and 15-28 are currently pending in the application. As indicated above, Claims 1-4, 6-12, 15, 22, 24, and 27 have been amended, and Claims 13 and 14 have been cancelled without prejudice. It is gratefully acknowledged that the Examiner found allowable subject matter in Claims 7 and 22.

In the Office Action, Claim 8 was rejected under 35 U.S.C. §112, first paragraph, as failing to be enabling, Claims 4 and 9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite, Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,023,456 (*Chapman*), Claims 5-6, 13-21, and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0013089 (*Taneja*), Claims 8-10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,741,556 (*Seddigh*), Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as unpatentable over *Chapman*, Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over *Seddigh* in view of *Taneja*, and Claims 24-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Taneja* in view of *Seddigh*.

With regard to the rejection of Claim 8 under 35 U.S.C. §112, first paragraph, as failing to be enabling, the Examiner takes issue with the recitation “determining whether a second parameter is short or not”. More specifically, the Examiner asserts that what it means for a parameter to be short or not is not described in the specification. Accordingly, as indicated above, all claims containing the term “short” have been amended to more clearly recite the present invention. Therefore, it is respectfully requested that the rejection under 35 U.S.C. §112, first paragraph, be

withdrawn.

With regard to the rejection of Claims 4 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite, in Claim 4, the Examiner takes issue with the phrase “each measured total number” in line 3. However, as indicated above, Claim 4 has been amended to recite “if the each measured total number is larger than the threshold value”. Therefore, it is respectfully requested that the rejection of Claim 4 under 35 U.S.C. §112, second paragraph, be withdrawn.

In Claim 9, the Examiner takes issue with the phrase “determining the parameter”, as “the parameter” could refer to either the first parameter or the second parameter. Additionally, even though not cited by the Examiner, Claim 11 contains the same language. Therefore, as indicated above, Claims 9 and 11 have been amended to clarify which parameter, i.e., the first or second, is being referred to. Accordingly, it is respectfully requested that the rejection of Claim 9 under 35 U.S.C. §112, second paragraph, be withdrawn.

With regard to the rejection of Claim 1, the Examiner asserts that *Chapman* teaches all the recitations of this claim. However, Claim 1 recites calculating a value used to classify the service class of the packet data by using a parameter. While *Chapman* shows that there are six different classes of traffic flow, it is respectfully submitted that no section of *Chapman* teaches that these classes are *calculated using a parameter based on whether the measured number of packet data is larger than a threshold value associated with a two-way communication characteristic of the packet data transmission*. More specifically, col. 3, lines 54 to col. 4, line 4, and col. 5, line 58 of *Chapman*, which are cited by the Examiner, merely disclose that when more than a predetermined packets are received for a predetermined time, a class of the received packet can be determined and the packets are classified into a large number of classes according to their characteristics. However, *Chapman* fails to disclose or teach determining a parameter based on a measurement number of

packet data and calculating a value used for classifying service classes using the parameter, as is recited in Claim 1. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 1 as being anticipated by *Chapman*, and it is respectfully requested that the rejection be withdrawn.

With regard to the rejection of Claims 5, 15, and 20, the Examiner asserts that *Taneja* teaches all the recitations of these claims. However, Claims 5, 15, and 20 each recite calculating a value used to classify the service class of the packet data by using the parameter. The Examiner asserts that the logical result of the inequality 29 in *Taneja*, is the parameter. Further, the Examiner asserts that this parameter is then used to calculate a value to classify the service class. However, it is respectfully submitted that no section of *Taneja* teaches using the logical result of the inequality 29 to calculate a value to classify the service class, i.e., calculating a value used to classify the service class of the packet data by using the parameter. More specifically, paragraphs [0218] to [0221] of *Taneja* disclose only “QoS scheduling groups are classified”, but *Taneja* fails to disclose or teach calculating a value used to classify the service class of the packet data by using the parameter. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 5, 15, and 20 as being anticipated by *Taneja*, and it is respectfully requested that the rejection be withdrawn.

With regard to the rejection of Claim 24, it appears that the Examiner is again citing *Taneja* as teaching calculating a value used to classify the service class of the packet data by using the parameter. However, as described above with regard to independent Claims 5, 15, and 20, it is respectfully submitted that the Examiner is incorrect, and for at least the reasons provided above with regard to Claims 5, 15, and 20, it is respectfully requested that the rejection of Claim 24 be withdrawn.

With regard to the rejection of Claim 8, the Examiner asserts that *Seddigh* teaches all the recitations of this claim. Again, Claim 8 recites calculating a value to classify the service class of packet data using the first and second parameters. However, similar to the other art cited by the Examiner, it is respectfully submitted that no section of *Seddigh* teaches calculating a value to classify the service class of packet data using the first and second parameters.

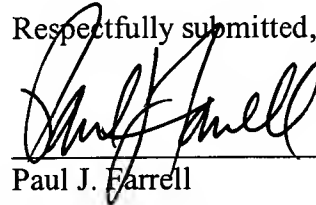
Additionally, *symmetric* in the independent claim 8 relies upon the characteristics of a service class. For example, a symmetric service corresponds to real time data and an asymmetric service corresponds to a service thorough Internet, as disclosed at page 9 of this specification. However, in the rejection, the Examiner appears to allege a parameter is symmetric when traffic is transferred in both directions between MS 102 and server 100, otherwise the parameter is asymmetric. Accordingly, “symmetric” in Claim 8 clearly differs from that of *Seddigh*. Nevertheless, in order to more clearly define “symmetric”, Claim 8 has been amended to recite “symmetric service corresponding to real time data” to more clarify the difference.

Therefore, at least for the reasons presented above, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 8 as being anticipated by *Seddigh*, and it is respectfully requested that the rejection be withdrawn.

Without conceding the patentability of dependent Claims 2-4, 6-7, 9-12, 16-19, 21-23, and 25-28, based upon their dependence from independent Claims 1, 5, 8, 15, 20, and 24, respectively, these claims are also believed to be in condition for allowance.

Accordingly, all of the pending claims, i.e., Claims 1-12 and 15-28, are believed to be in condition for allowance and issuance of a notice of allowance is respectfully requested. The Examiner is requested to contact the undersigned if there are any questions regarding this communication.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

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